S.B.CRIMINAL MISC. BAIL APPLICATION NO.2458/2006

Date : 05.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mahesh Bora for the applicant.
Mr. Vishnu Kachhawha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

The contention of learned counsel is that in the present case the accused applicant has falsely been implicated as no contraband material was recovered from the possession of the accused and he has no concern with the recovered contraband material and only on the basis of statement of other accused, the accused -applicant cannot be deprived of right of the anticipatory bail. It has also been contended that no incriminating evidence worth name is available on record to show prima facie that the accused was having any connection with the alleged contraband material.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that huge quantity of poppy husk was recovered, therefore, the applicant should not be

granted benefit of anticipatory bail.

I have considered the submissions made before me and perused the material available on record.

Without expressing any opinion on the merit of the case however taking into consideration the overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to the applicant. Accordingly, the bail application is allowed and it is directed that in the event of arrest of applicant Jagdev Singh son of by I.O./S.H.O. in FIR No.422/2003 P.S. Nohar, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i) That he shall make himself available for interrogation by a police officer as and when required;

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.